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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,628	06/28/2001	Susumu Nakagawa	450100-03297	6151

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,628

Applicant(s)

NAKAGAWA, SUSUMU

Examiner

David Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ginter et al**, US Patent Publication 2003/0163431 A1.

As per **claim 1**.

Ginter discloses

A contents control method for managing said contents based on key code information containing content usage information set within a range that the contents can be utilized (Abstract; Brief Summary; Background and Summary of the Invention; Fig 1-1A, 3-5B; 8-10; associated text), said method comprising the steps of:

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comparing said content usage rights information with status code information showing the usage status of said contents (see all above citations);

Ginter does not explicitly recite

comparing said status code information with output setting information having a threshold value within the range of said contents usage rights information to warn by warning report data when in proximity to said contents usage rights in the case where said status code information is within the range of said contents usage rights information; and

outputting said warning report data when said status code information exceeds said output setting information.

However Ginter does teach that his system has the capability to perform user "pop-up dialog windows" that will warn users of certain events and conditions related to their use of controlled content (Par. 1054, 2070-2073, 2078). "Alarms" may be set up using these windows to notify the user of approaching budget limits, i.e. time allowed for using a protected content, number of copies allowed, etc. Therefore it would have been obvious for one ordinarily skilled in the art at the time the invention was made to include such warning features in Ginter's system, in order to forewarn potential users of the pending completion of their access to controlled content, so that the users may elect to extend their access, or plan their continued use of the content accordingly. Such a feature would make the system more attractive to users and would add to the system's popularity.

As per claim 2

Ginter further discloses (see all above citations)

... status code information reaches the contents usage information, usage of said contents is prohibited and invalidation report data is outputted, reporting that use of said contents has been prohibited.

As per claim 3.

Ginter does not specifically recite

... a deletion elapse time for setting a period from prohibiting usage of said contents to deletion of said contents is set in said output setting information, and when the period from prohibiting usage of said contents to said deletion elapse time is reached, said contents are deleted and deletion report data is outputted to report said contents have been deleted.

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However Ginter does teach that his system has the capability of causing protected content to be modified or deleted automatically, depending on the needs and authority of the content author or distributor, and according with the usage rights granted to individual users for the access to such content (Par. 2234-2238, 2255). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have included the limitations of claim 3 into a system based on Ginter, in order to further protect copyrighted content after their access has expired by automatically deleting the content, thus negating any possibility for future access.

As per **claim 4**

Ginter further discloses (see all above citations)

... loading period information set with the loading timing for loading said contents usage right information, said status code information and said output setting information are set in said setting information, and said status code information, said contents usage information and said setting information are compared based on said loading interval information.

As per **claim 5**

Ginter further discloses (see all above citations; Fig 7; associated text)

... warning report data, said invalidation report data and said deletion report data are respectively outputted to screen display means.

As per **claim 6**

Ginter further discloses (see all above citations; Fig 7; associated text)

... said warning report data, said invalidation report data and said deletion report data are respectively outputted as electronic mail.

As per **claims 7 and 8.**

Ginter discloses all the limitations of these claims (see all above citations; Fig 8-10; associated text; obviousness and motivation analysis for claim 1):

[claim 7] A contents control device for managing said contents based on key code information containing content usage information set within a range where the contents can be utilized, said device comprising:

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memory storage means stored with said contents, said key code information, and status code information showing the usage status of said contents, and output setting information having a threshold value within the range of said contents usage rights information for warning by warning report data when in proximity to said contents usage rights;

key code monitor means to control usage limits of said contents by comparing said contents usage rights, said status code information and said output setting information, said key code monitor means comprising a function to output said warning report data when said status code information exceeds said output setting information; and

content output means containing a function to reproduce said contents of said memory storage means and a function to output said warning report data.

[claim 8] A program storage medium for storing the contents control program for managing said contents based on key code information containing content usage information set within a range where the contents can be utilized, said medium comprising:

memory storage means stored with said contents, said key code information, and status code information showing the usage status of said contents, and output setting information having a threshold value within the range of said contents usage rights information for warning by warning report data when in proximity to said contents usage rights;

key code monitor means to control usage limits of said contents by comparing said contents usage rights, said status code information and said output setting information, said key code monitor means comprising a function to output said warning report data when said status code information exceeds said output setting information; and

said content output means containing a function to reproduce said contents of said memory storage means and a function to output said warning report data.

Conclusion

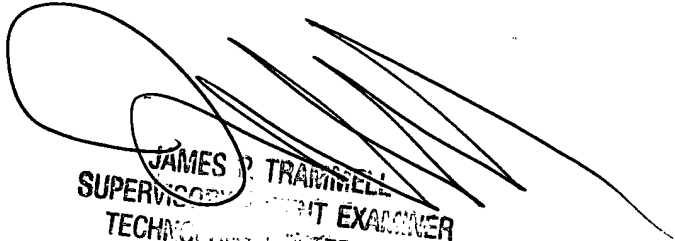
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL



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